IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 525 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/12/2004 in WP NO : 21458 OF 2004 on the file of the High Court.)

Between:

Smt. Ahmedunnisa Begum, W/o. Mohd. Masthan Shariff,
Madapalli Road, Khateeb Street, Moulana Street, Eluru.

..... APPELLANT

AND

1 Government of Andhra Pradesh, rep. by its Secretary,
Home Department, Secretariat, Hyderabad.
2 The Superintendent of Police, West Godavari District,
Eluru.
3 The Station House Officer, I Town Police Station, Eluru.
4 The Mandal Revenue Officer, Eluru Mandalam, Eluru.
5 Md. Iqbal Rahman, S/o. Janab Mohd. Abdul Rahman,
C/o. Eliyas-Ur-Rahman, Door No. 511,

Laxmivarapupeta,
Eluru.

6 Md. Eliayas-Ur-Rahman, S/o. Late md. Suleman,
Door No. 511, Laxmivarapupeta,
Eluru.

.....RESPONDENTS

Counsel for the Appellant : MR.M.L.ALI

Counsel for the Respondent Nos. 1 to 3: GP FOR HOME

Counsel for the respondent Nos. 4 to 6 : None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Heard. F.I.R.No.64 of 2001 dated 27.04.2001 was registered by Station House Officer, I Town Police Station, Eluru, for offences under Sections 448

and 380 I.P.C., on the complaint of Mandal Revenue Officer, Eluru Mandal. The said F.I.R., was closed on the ground that it was purely a civil dispute. Writ petition was filed by the appellant questioning the action of closing the F.I.R., with a consequential direction to the Station House Officer, I Town Police Station, Eluru, to reopen the F.I.R., and to conduct appropriate enquiry in accordance with law. The writ petition was dismissed by the impugned order by learned single Judge on the ground that appellant is not a person aggrieved.

2. Be it stated that the property in question, namely, building in premises No.72-3-172 constructed in about 400 sq. yards stood vested in the Government as an escheat and was allotted for establishment of Women and Child Welfare office. Learned counsel for the petitioner – appellant states that there is already a civil dispute pending in Civil Court filed by the petitioner – appellant against others including respondents 5 and 6 in which petitioner is claiming title to the property. In case that be the position, there was no reason for the petitioner to have invoked the jurisdiction of this Court. In a matter like this where F.I.R., was closed on the ground that it was purely a civil dispute, learned single Judge was justified in dismissing the writ petition on the ground that petitioner has got no locus standi. Nothing prevents the petitioner from agitating his claim before the Civil Court and claim appropriate orders from the said Court with respect to the preservation of the property. Accordingly the writ appeal is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 29.03.2005.

VRK.

To

1 The Secretary to Government,
Home Department, Secretariat, Hyderabad.

2 The Superintendent of Police, West Godavari District, Eluru.
3 The Station House Officer, I Town Police Station, Eluru.
4 The Mandal Revenue Officer, Eluru Mandalam, Eluru.
5. Two CCs to G.P., for Home, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

*Form-NIC-OGS/WA {**SPJS**}*

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.A.NO. 525 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 29.03.2005.